

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 440

97TH GENERAL ASSEMBLY

0173H.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 196, RSMo, by adding thereto one new section relating to the sale of cottage foods.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 196, RSMo, is amended by adding thereto one new section, to be
2 known as section 196.298, to read as follows:

196.298. 1. As used in this section, the following terms shall mean:

2 **(1) "Baked good", includes cookies, cakes, breads, Danish, donuts, pastries, pies,**
3 **and other items that are prepared by baking the item in an oven. A baked good does not**
4 **include a potentially hazardous food item as defined by department rule;**

5 **(2) "Cottage food production operation", an individual operation out of an**
6 **individual's home which meets the following conditions:**

7 **(a) Only nonpotentially hazardous processed foods, except low acid canned and**
8 **acidified foods, including but not limited to breads, cookies, fruit pies, jams, jellies,**
9 **preserves, fruit butters, honey, sorghum, cracked nuts, packaged spices and spice mixes,**
10 **dry cookie, cake, bread, and soup mixes are sold, sampled, or served;**

11 **(b) The seller is the individual actually producing the food or an immediate family**
12 **member residing in the producer's household with extensive knowledge about the food;**

13 **(c) The seller only sells, samples, or serves the food directly to the end consumer;**

14 **(d) All processed packaged foods bear a label stating the name and address of the**
15 **manufacturer or processor preparing the food, common name of the food, name of all the**
16 **ingredients in the food and a statement that the product is prepared in a kitchen that is not**
17 **subject to inspection by the department of health and senior services. It is recommended**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 that honey manufacturers or processors include the following additional statement on its
19 label: "Honey is not recommended for infants under twelve months of age";

20 (e) The consumer is informed by a clearly visible placard at the sales or service
21 location that the food is prepared in a kitchen that is not subject to inspection by the
22 department of health and senior services if the foods specified in paragraph (a) of this
23 subdivision are sold, sampled, or served in unpackaged, individual portions.

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25 The department of health and senior services shall have final authority in determining
26 whether a food is nonpotentially hazardous and may enjoin individuals who violate the
27 provisions of this subdivision from selling, sampling, or serving such foods;

28 (3) "Department", the department of health and senior services;

29 (4) "Home", a primary residence that contains a kitchen and appliances designed
30 for common residential usage.

31 2. A cottage food production operation is not a food service establishment and shall
32 not be subject to any health or food code laws or regulations of the state or department
33 other than this section and sections 196.030 TO 196.075, and rules promulgated thereunder
34 for a cottage food production operation.

35 3. (1) A local health department shall not regulate the production of food at a
36 cottage food production operation. Nothing in this subdivision shall be construed as
37 prohibiting the department of health and senior services from contracting with a local
38 health department to provide services for the department under state law and regulation.

39 (2) Each local health department and the department shall maintain a record of a
40 complaint made by a person against a cottage food production operation.

41 4. The department shall promulgate rules requiring a cottage food production
42 operation to label all of the foods described in this section which the operation intends to
43 sell to consumers. The label shall include the name and address of the cottage food
44 production operation and a statement that the food is not inspected by the department or
45 local health department.

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